

AMENDED IN ASSEMBLY APRIL 27, 2006

AMENDED IN ASSEMBLY APRIL 18, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 2920**

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**Introduced by Assembly Member Leno**  
**(Coauthors: Assembly Members Berg, Goldberg, Hancock,**  
**Koretz, Laird, Nation, Pavley, Saldana, and Yee)**  
**(Coauthors: Senators Kehoe and Kuehl)**

February 24, 2006

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An act to ~~amend Section 9015 of, and to add Section 9015.5 to, add~~  
*Sections 9103 and 9103.1* to the Welfare and Institutions Code,  
relating to seniors.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2920, as amended, Leno. Seniors.

Existing law, the Mello-Granlund Older Californians Act, establishes the California Department of Aging in the California Health and Human Services Agency. Existing law sets forth the duties and powers of the department.

~~Existing law defines greatest social need for purposes of that act.~~

~~This bill would change the definition of greatest social need contained in the act.~~

*This bill would require the department to ensure that programs and services provided through the Older Americans Act and the Mello-Granlund Older Californians Act in each planning and service area are available to all older adults regardless of specified characteristics or circumstances, or by association with a person or persons with one or more of these actual or perceived characteristics*

*or circumstances, that restrict an individual's ability to perform normal daily tasks or that threaten his or her capacity to live independently.*

*The bill would require the department to require that each area agency on aging includes the needs of lesbian, gay, bisexual, and transgender seniors in their needs assessment and area plans and to provide technical assistance to the area agencies on aging for the training of all program staff, contractors, and volunteers regarding the unique needs of the lesbian, gay, bisexual, and transgender seniors.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 9015 of the Welfare and Institutions~~  
2     ~~Code is amended to read:~~

3     ~~9015. "Greatest social need" means the need caused by~~  
4     ~~noneconomic factors, that include physical and mental~~  
5     ~~disabilities, language barriers, cultural or social isolation,~~  
6     ~~including that caused by actual or perceived racial and ethnic~~  
7     ~~status (for example, African-American, Hispanic, American~~  
8     ~~Indian, and Asian American), ancestry, national origin, religion,~~  
9     ~~sex, gender identity, marital status, familial status, sexual~~  
10    ~~orientation, or by any other basis set forth in Section 12921 of the~~  
11    ~~Government Code, or by association with a person or persons~~  
12    ~~with one or more of these actual or perceived characteristics, that~~  
13    ~~restrict an individual's ability to perform normal daily tasks or~~  
14    ~~that threaten his or her capacity to live independently.~~

15    ~~SEC. 2.~~

16    ~~SECTION 1.~~ Section ~~9015.5~~ 9103 is added to the Welfare and  
17    Institutions Code, to read:

18    ~~9015.5.~~

19    9103. The Legislature finds and declares all of the following:

20    (a) Recent studies have shown that lifelong experiences of  
21    marginalization place lesbian, gay, bisexual, and transgender  
22    (LGBT) seniors at high risk for isolation, poverty, homelessness,  
23    and premature institutionalization. Moreover, many LGBT  
24    seniors are members of multiple underrepresented groups, and as  
25    a result, are doubly marginalized. Due to these factors, many

1 LGBT seniors avoid accessing elder programs and services, even  
2 when their health, safety, and security depend on it.

3 (b) LGBT seniors often lack social and family support  
4 networks available to non-LGBT seniors. They may face  
5 particular health risks, as disease prevention strategies often  
6 ignore LGBT seniors, and HIV and AIDS drug trials generally do  
7 not include older participants.

8 (c) LGBT seniors are denied many vital financial benefits  
9 provided to heterosexual married couples. For example,  
10 surviving same-sex partners are denied the social security  
11 benefits that married couples are provided, and may face heavy  
12 taxes on the transfer of assets upon the death of a partner.  
13 Moreover, even under California law, LGBT seniors are denied  
14 equal long-term care insurance protections. This costs LGBT  
15 seniors hundreds of millions of dollars each year in lost benefits.

16 (d) The number of people 65 years of age and older in  
17 California is estimated to double to 6.5 million by the year 2020,  
18 thereby increasing the number of LGBT seniors who are  
19 receiving inadequate services.

20 ~~(e) Including LGBT seniors, as well as other underrepresented~~  
21 ~~groups, in the definition of “greatest social need” contained in~~  
22 ~~Section 9015 would increase access to programs administered by~~  
23 ~~the California Department of Aging, including, but not limited to,~~  
24 ~~adult day care programs, health promotion and disease~~  
25 ~~prevention programs, nutrition services, insurance benefits~~  
26 ~~counseling, employment programs, legal assistance, and respite~~  
27 ~~care.~~

28 *(e) Ensuring that the needs of LGBT seniors as well as other*  
29 *underrepresented groups are adequately assessed during the*  
30 *planning and development of programs and services will*  
31 *increase access to the programs administered by the California*  
32 *Department of Aging and the area agencies on aging.*

33 (f) California leads the nation in the protections it affords to  
34 LGBT persons. As failure to meet the needs of LGBT seniors is  
35 a problem of national scope, including LGBT seniors, and other  
36 underrepresented groups, ~~within the definition of “greatest social~~  
37 ~~need” under Section 9015 in need of assessment and area plan~~  
38 *process* will help the state to be a model for change in other  
39 states and at the federal level.

1     SEC. 2. Section 9103.1 is added to the Welfare and  
2     Institutions Code, to read:

3     9103.1. (a) The department shall ensure that programs and  
4     services provided through the Older Americans Act and under  
5     this division in each planning and service area are available to  
6     all older adults regardless of physical or mental disabilities,  
7     language barriers, cultural or social isolation, including that  
8     caused by actual or perceived racial and ethnic status, including,  
9     but not limited to, African-American, Hispanic, American Indian,  
10    and Asian American, ancestry, national origin, religion, sex,  
11    gender identity, marital status, familial status, sexual orientation,  
12    or any other basis set forth in Section 12921 of the Government  
13    Code, or by association with a person or persons with one or  
14    more of these actual or perceived characteristics, that restrict an  
15    individual's ability to perform normal daily tasks or that threaten  
16    his or her capacity to live independently.

17    (b) The department shall require that each area agency on  
18    aging include the needs of lesbian, gay, bisexual, and  
19    transgender seniors in their needs assessment and area plans.

20    (c) The department shall provide technical assistance to the  
21    area agencies on aging for the training of all program staff,  
22    contractors, and volunteers regarding the unique needs of the  
23    lesbian, gay, bisexual, and transgender seniors.